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SUBJECT: ITALY/BIOTECH: COEXISTENCE DECREE-LAW PASSED BY
CHAMBER AND SENATE

REF: A. (A) 2004 ROME 004563

[1](#)B. (B) 2004 ROME 004141 AND PREVIOUS

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SUMMARY

[1](#)1. (U) On January 25, 2005 the Italian Senate passed legislation on the coexistence of conventional, organic and biotech crops, approving a draft that had been passed by the Chamber of Deputies earlier in the month. The decree-law requires all of the Italian regions to produce their own coexistence plans, but language in the draft legislation that set a deadline of December 31, 2005 for this to happen was dropped. However, in subsequent discussions, the government and regional representatives agreed to July 28, 2006 as the deadline for regional coexistence plans. This is a potentially positive development, holding the promise that Italy's de facto moratorium on planting biotech crops will disappear after the mid-2006 deadline. Enacting the legislation also reduces the risk of Italy's failing to comply with European Commission guidelines on agricultural biotechnology.

[1](#)2. (U) While the text of Italy's new coexistence decree-law declares that it's purpose is to "guarantee freedom of enterprise" and the "consumers' right of choice", the law nevertheless contains provisions that will essentially prohibit the planting of biotech seeds until the regions implement their coexistence regulations. Not only farmers, but also seed companies, may be liable for fines of from 5,000 to 50,000 euros (USD 6,500 to 65,000) or imprisonment for up to two years for "biotech contaminating." It is clear that, with national elections coming up in the spring of 2006, Italian politicians intend to maintain their restrictive GMO policies. END SUMMARY.

FINALLY, ITALY HAS A COEXISTENCE LAW

[1](#)3. (U) On November 11, 2004, the Italian Council of Ministers on an urgent basis approved a decree-law on the coexistence of conventional, organic and biotech seeds planted in Italy (reftels). According to parliamentary procedure, the Chamber of Deputies and the Senate had until January 28, 2005 to pass the legislation, or it would have lapsed. In mid-January the Chamber of Deputies passed the decree-law with a number of amendments. The Senate approved the amended text without further changes on January 25. The major provisions of the final coexistence decree are described below.

LIMIT TO THE MORATORIUM: REGIONAL COEXISTENCE
- PLANS DUE BY JULY 28, 2006

[1](#)4. (U) As the regions of Italy enjoy a significant degree of autonomy in agricultural matters, the national coexistence decree is general in nature. Each of Italy's 20 regions will be required to draw up its own coexistence plan according to "good agricultural practices." The Council of Ministers draft of November stipulated that the regions had to have their plans for implementing coexistence completed by December 31, 2005. The Chamber of Deputies amended the draft to eliminate the deadline. This would have allowed one or more Italian regions, simply by inaction, to maintain the de facto countrywide moratorium indefinitely, as the national law would not have come into effect until all the regions had their plans in place. The Senate left the amended language eliminating the deadline in the final text. However, the Chairman of the Senate Agriculture Committee, Maurizio Ronconi, was so concerned that he introduced and the Senate passed an "Ordine del Giorno" (Order of the Day), expressing the will of the Senate, which called for the December 31, 2005 deadline to be respected.

15. (U) After the vote, federal officials, led by Minister of Agriculture Gianni Alemanno, met with regional leaders in a consultative body known as the Conference of the State and Regions. The Conference agreed unanimously to establish July 28, 2006 as the deadline by which regional coexistence implementation plans must be concluded. The Conference's action will become binding if it is subsequently approved by both houses of parliament. Alemanno has reportedly promised,

by the end of March, to prepare a new decree formally establishing the deadline. Quoted in the press on February 4, Alemanno expressed satisfaction over the compromise deadline, saying that setting a limit on the moratorium diminished the risk of Italy's being out of compliance with European regulations.

IN THE INTERIM: STIFF PENALTIES FOR "BIOTECH"

16. (U) Another amendment introduced into the final legislation by the Chamber of Deputies, and accepted by the Senate, doubled the penalties for "biotech contaminating" and expanded the liability of violators. Under the decree, both farmers and seed companies may be found liable for contaminating neighboring conventional or organic production or the environment. The monetary penalties in the draft were doubled, now ranging from 5,000 to 50,000 euros (USD 6,500 to 65,000). While the November draft had no option for imprisonment, the final coexistence law calls for imprisonment of up to two years. These penalties remain in effect in a region until that region implements its coexistence regulations.

"ZERO TOLERANCE" IN THE INTERIM

17. (U) Another significant change from the November draft introduced by the Chamber of Deputies and accepted by the Senate was the removal of language in the draft that implied acceptance of the adventitious presence of biotech seeds in conventional lots. Current Italian seed regulations, which now will remain in force, do not allow any adventitious presence, but operate on a "zero tolerance" principle, meaning in practice a threshold of around 0.05 percent, or the minimum detectable.

NEXT STEPS

18. (U) Italy's coexistence legislation establishes an "Advisory Committee for the Coexistence of Transgenic, Conventional and Organic Farming" under the Ministry of Agriculture, which will meet and draw up technical guidelines within 120 days of publication of the law (Ref A). The committee will also be responsible for monitoring adherence to the decree.

COMMENT: POLITICS PREVAILED, BUT ROOM FOR HOPE
- IN THE LONG RUN

19. (SBU) Political maneuvering and coalition-building in the run-up to Italy's regional elections (in April of this year) and national elections (expected in the spring of 2006) have undoubtedly affected the outcome of the debate on the coexistence decree passed January 25. The final decree-law will make Italian farmers' planting and cultivation of GM crops impossible until at least the crop of 2007. Nevertheless, setting a deadline for the end of Italy's biotech moratorium (provided that it sticks) means that, at least in theory, GM cultivation in Italy may eventually happen. We do not discount the possibility, however, that continued public hostility to GMOs will persuade the GOI to find a way to further delay, or at least inhibit, such cultivation. In this rhetoric-charged atmosphere, Embassy Rome and Consulates General Milan, Naples and Florence (in tandem with our colleagues at FODAG and Embassy Vatican) will continue to work with trade, scientific and other interested Italian parties to increase public knowledge of the economic, environmental and humanitarian advantages of using